

Americans with Disabilities Act - Title I

Reasonable Accommodation for Employees with Disabilities



Covered Entities

Title I of the Americans with Disabilities Act of 1990 (P.L. 101-336) applies to **covered entities**. Covered entities are private employers, state and local governments, employment agencies, labor unions, and joint labor management committees with 15 or more employees.

Reasonable Accommodation

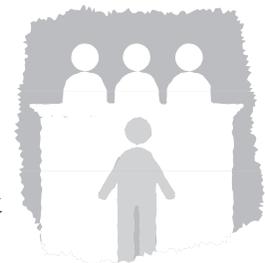


Title I requires a covered entity to provide **reasonable accommodation** for individuals with disabilities, unless it would cause **undue hardship**. A reasonable accommodation is any change in the work environment or in the method of performing a job that enables an individual with a disability to enjoy equal employment opportunities.

Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodations, workplace barriers may keep others from performing jobs that they could do with some form of accommodation. Workplace barriers include physical obstacles (such as inaccessible facilities or equipment), or procedures or rules (such as rules concerning when an employee can perform work duties or take breaks). Reasonable accommodations remove workplace barriers for individuals with disabilities.

Requesting Reasonable Accommodation

An individual must let the covered entity know that the individual needs an adjustment or change at work for a reason related to a medical condition. An individual can make the request orally and does not have to mention the Americans with Disabilities Act or say the words “reasonable accommodation.” Also, there is no requirement to submit the request for reasonable accommodation in writing.



When the disability and/or the need for accommodation is not obvious, a covered entity may ask the individual for reasonable documentation about the individual’s disability and functional limitations. The covered entity and the individual should engage in an informal process to clarify what the individual needs



and identify the appropriate reasonable accommodation. The covered entity may ask the individual questions that will enable it to make an informed decision about the request, including inquiries about the type of reasonable accommodation needed.

A covered entity may choose among reasonable accommodations as long as the chosen accommodation removes the workplace barrier at issue. A covered entity may offer alternative suggestions for reasonable accommodations to remove the workplace barrier. If there are two possible reasonable accommodations, and one costs more or is more difficult to provide, a covered entity may choose the one that is less expensive or easier to provide, as long as it is effective.



There are three categories of reasonable accommodation.

1. **Changes to the job application process** provide a qualified applicant with a disability an equal opportunity to apply for a specific job. **Example:** A qualified applicant who has a visual impairment may request a pre-employment test in large print.
2. **Changes to the work environment or to the usual way of performing a job** enables a qualified person with a disability to perform the essential functions of a job sought after or currently held. **Example:** An employee who uses a wheelchair requests the placement of bricks under a computer desk legs to allow the employee to fit under the desk to perform the essential functions of the job.
3. **Changes that enable an employee with a disability to enjoy benefits and privileges of employment** equal to those enjoyed by other similarly situated employees without disabilities. **Example:** An employee with a mobility impairment requests that the covered entity hold the annual company outdoor picnic in a location with accessible parking and an accessible route from the parking lot to the general picnic area and restrooms.

Undue Hardship

A covered entity must provide only those accommodations that are reasonable. An accommodation is reasonable if it permits an individual with a disability to perform the essential functions of the job, and if it does not impose an **undue hardship** (significant difficulty or expense) on the covered entity's business or program operation. However, a covered entity may not simply assert that a needed accommodation will cause undue hardship. Rather, a covered entity must show evidence to demonstrate that the accommodation would cause an undue hardship. The terms of a collective bargaining agreement may have relevance in determining whether an accommodation would impose an undue hardship.

Factors to consider in determining whether an accommodation would impose an undue hardship include:

- The nature and net cost of the accommodation needed;



- The overall financial resources of the company;
- The type of operation, including the composition, structure and functions of the company's workforce;
- The impact of providing the accommodation on the operation of the program or facility, including the ability of other employees to perform the duties, the effect on the position and other employees; and
- The impact on the program or facility's ability to conduct business.



A covered entity must determine on a case-by-case basis whether an accommodation constitutes an undue hardship.

Any accommodation that would pose a significant health or safety risk to the employee or to anyone else is not a reasonable accommodation.

A covered entity does not have to make an entire existing facility barrier-free if it can make the work location of an employee with a disability accessible in all areas where the employee performs the job functions.

Restructuring a job to accommodate an individual with a disability may create a heavier workload for other employees and may constitute an undue hardship. However, complaints made by other employees about an individual's reasonable accommodation or other negative reactions from co-workers would not constitute an undue hardship.

Types of Reasonable Accommodation

There are as many types of reasonable accommodation as there are persons with disabilities. Every accommodation requires an individual assessment to consider (1) the specific abilities and functional limitations of a particular applicant or employee with a disability, and (2) the specific functional requirements of a particular job.

Job restructuring or job modification as a reasonable accommodation may involve reallocating or redistributing the marginal functions of a job. However, a covered entity does not have to reallocate essential functions of a job as a reasonable accommodation. Essential functions, by definition, are those that a qualified individual must perform, with or without an accommodation.

Example: Inspection of identification cards is generally an essential function of a security job. If a person with a visual impairment could not verify the identity of an individual using the photo and other information on the card, a covered entity would not have to transfer this function to another employee as a reasonable accommodation.

Modification of a regular work schedule as a reasonable accommodation may include flexibility in work hours or the workweek, or part-time work.

Example: An accountant with a mental disability requires two hours off, twice weekly, for sessions with a psychiatrist. The covered entity permits the employee to take longer lunch breaks and to make up the time by working later on those days.



Purchase of equipment or modifications to existing equipment includes very simple solutions, such as an elastic band that can enable a person with cerebral palsy to hold a pencil and write, to high-tech electronic equipment operated with eye or head movements by people who cannot use their hands. There are also many ways to modify standard equipment to enable people with different functional abilities to perform jobs effectively and safely.

Example: Telephone amplifiers allow people who are hard-of-hearing to use the phone.

Reassignment is an accommodation only when another type of accommodation is not possible in an employee's present job, or when an accommodation in the employee's present job would cause an undue hardship. A covered entity must consider reassignment as an accommodation for existing employees only. A covered entity does not have to consider a different position for a job applicant that cannot perform the essential functions of the position applied for, with or without reasonable accommodation. A covered entity should make a reassignment to a position equivalent to the one presently held in terms of pay and other job status, if the individual qualifies for the position and if such a position is vacant or will be vacant within a reasonable amount of time.

Example: If there is no vacant position available at the time that an individual with a disability requires a reassignment, but the covered entity knows that an equivalent position for which the employee qualifies will become vacant within one or two weeks, the covered entity should reassign the individual to the position when its available.

Technical Assistance

Job Accommodation Network • PO Box 6080, Morgantown, WV 26506-6080
(800) 526-7234 (Voice/TTY) • jan@jan.wvu.edu • janweb.icdi.wvu.edu

ADA Information

Visit the EEOC web site to see the Title I regulations and related guidance at eoc.gov.

DCAB **DISABILITY AND COMMUNICATION ACCESS BOARD**

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